XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
GREG W. CHAMBERS
Deputy Attorney General
State Bar No. 237509
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3382
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against, **LINVAL KEITH FLEETWOOD, M.D.** **1415 Broadway Blvd.** **Flint, MI 48506** **Physician's and Surgeon's Certificate No. A 25986** Respondent.	Case No. 800-2019-056996 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On June 4, 2020, Complainant Christine J. Lally, in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 800-2019-056996 against Linval Keith Fleetwood, M.D. (Respondent) before the Medical Board of California.

2. On or about June 19, 1974, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 25986 to Respondent. The Physician's and Surgeon's

Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2021, unless renewed.[1] (Exhibit Package, Exhibit 1, Certificate of Licensure.)

3. On or about May 15, 2019, Respondent entered into a Consent Order and Stipulation with the Michigan Board of Medicine, which placed his Michigan physician's license on one years' probation that included quarterly discussions regarding opioid and chronic disease management with patients, in light of allegations of prescribing alprazolam over long periods of time without explanation, and prescribing Soma with opioids (Norco and Oxycodone), contrary to current guidelines. (Exhibit Package, Exhibit 2, Exhibit A in the Accusation, Michigan Consent Order and Stipulation.)

4. On June 4, 2020, Andrea Geremia, an employee of the Complainant Agency, served by Certified Mail a copy of the Accusation No. 800-2019-056996, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 1415 Broadway Blvd., Flint, MI 48506. (Exhibit Package, Exhibit 2, copy of the Accusation and accompanying documents, and Declarations of Service.)

5. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

6. On June 11, 2020, the aforementioned documents were returned by the U.S. Postal Service marked "Return to Sender – Unable to Forward." (Exhibit Package, Exhibit 3, copy of the envelope stating "Return to Sender – Unable to Forward.)

7. On August 27, 2020, Courtesy Notice of Default was served upon Respondent at Respondent's address of record, which was and is 1415 Broadway Blvd., Flint, MI 48506. The Courtesy Notice of Default provided Respondent with a copy of the Accusation and the Accusation Packet, which included, the Statement to Respondent, a Notice of Defense, Request for Discovery, Government Code sections 11507.5, 11507.6, and 11507.7, and advised

[1] The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

Respondent that he was in default. (Exhibit Package, Exhibit 4, copy of the Courtesy Notice of Default and Declaration of Service.)

8. On October 26, 2020, the Courtesy Notice of Default and accompanying documents were returned by the U.S. Postal Service marked "Return to Sender – Unable to Forward." (Exhibit Package, Exhibit 5, copy of the envelope stating "Return to Sender – Unable to Forward.)

9. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

10. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2019-056996.

STATUTORY AUTHORITY

11. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

12. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

13. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

14. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on

Respondent's express admissions by way of default and the evidence before it, contained in **Exhibits 1, 2, 3, 4 and 5** finds that the allegations in Accusation No .800-2019-056996 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Linval Keith Fleetwood, M.D. has subjected his Physician's and Surgeon's Certificate No. A 25986 to discipline within the meaning of Business and Professions Code sections 2227, 2305 and 141.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in the Exhibit Package, finds that the allegations in Accusation 800-2019-056996 are true:

A. On or about May 15, 2019, Respondent entered into a Consent Order and Stipulation with the Michigan Board of Medicine, which placed his Michigan physician's license on one years' probation that included quarterly discussions regarding opioid and chronic disease management with patients, in light of allegations of prescribing alprazolam over long periods of time without explanation, and prescribing Soma with opioids (Norco and Oxycodone), contrary to current guidelines.

B. The Medical Board is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the above-referenced violations alleged in the Accusation.

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 25986, heretofore issued to Respondent Linval Keith Fleetwood, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its

discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on JAN 0 8 2021.

It is so ORDERED DEC 0 9 2020

WILLIAM PRASIFKA
EXECUTIVE DIRECTOR
FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
GREG W. CHAMBERS
Deputy Attorney General
State Bar No. 237509
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3382
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Linval Keith Fleetwood, M.D.** **1415 Broadway Blvd.** **Flint, MI 48506** **Physician's and Surgeon's Certificate No. A 25986,** Respondent.	Case No. 800-2019-056996 **A C C U S A T I O N**

PARTIES

1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about June 19, 1974, the Medical Board issued Physician's and Surgeon's Certificate Number A 25986 to Linval Keith Fleetwood, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2021, unless renewed.

///

///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

7. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a

disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

PERTINENT DRUGS

8. **Carisoprodol**, also known by the trade name SOMA, is a muscle-relaxant and sedative. It is a dangerous drug as defined in section 4022 of the Business and Professions Code, and a schedule IV controlled substance as defined by section 11057 of the Health and Safety Code. Since the effects of carisoprodol and alcohol or carisoprodol and other central nervous system (CNS) depressants or psychotropic drugs may be additive, appropriate caution should be exercised with patients who take more than one of these agents simultaneously. Carisoprodol is metabolized in the liver and excreted by the kidneys; to avoid its excess accumulation, caution should be exercised in administration to patients with compromised liver or kidney functions.

9. **Norco** is a trade name for hydrocodone bitratrate with acetaminophen. Norco tablets contain either 5 mg. or 10 mg. of hydrocodone bitartrate and 350 mg. of acetaminophen. Acetaminophen is a non-opiate, non-salicylate analgesic and antipyretic. Hydrocodone bitartrate is semisynthetic narcotic analgesic and a dangerous drug as defined in section 4022 of the Business and Professions Code. Norco is a schedule II controlled substance and narcotic as defined by section 11055 of the Health and Safety Code. Repeated administration of hydrocodone over a course of several weeks may result in psychological and physical dependence.

10. **Xanax** is a trade name for alprazolam tablets, which is a psychotropic triazolo analogue of the 1,4 benzodiazepine class of central nervous system-active compounds. Xanax is used for the management of anxiety disorders or for the short-term relief of the symptoms of anxiety. It is a dangerous drug as defined in section 4022 and a schedule IV controlled substance and narcotic as defined by section 11057, subdivision (d) of the Health and Safety Code. Xanax has a central nervous system depressant effect and patients should be cautioned about the simultaneous ingestion of alcohol and other CNS depressant drugs during treatment with Xanax.

///

///

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

11. Respondent Linval Keith Fleetwood, M.D. is subject to disciplinary action under sections 2305 and 141 of the Code in that on or about May 15, 2019, Respondent voluntarily entered into a Consent Order and Stipulation with the Michigan Board of Medicine, attached as **Exhibit A** and incorporated herein. The Consent Agreement Order and Stipulation, which became effective thirty days later, placed Respondent on probation for one year, and required practice monitoring that included quarterly discussions regarding opioid and chronic disease management with patients. The circumstances are as follows:

12. On or about June 1, 2018, the Michigan Department of Licensing and Regulatory Affairs filed an Administrative Complaint alleging, among other things, that Respondent frequently prescribed alprazolam over long periods of time without any explanation as to why it was prescribed, and Respondent prescribed Soma with opioids (Norco and Oxycodone), contrary to current guidelines.

13. In the Consent Order and Stipulation, Respondent admitted to the allegations laid out in the Administrative Complaint.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 25986, issued to Linval Keith Fleetwood, M.D.;

2. Revoking, suspending or denying approval of Linval Keith Fleetwood, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Linval Keith Fleetwood, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

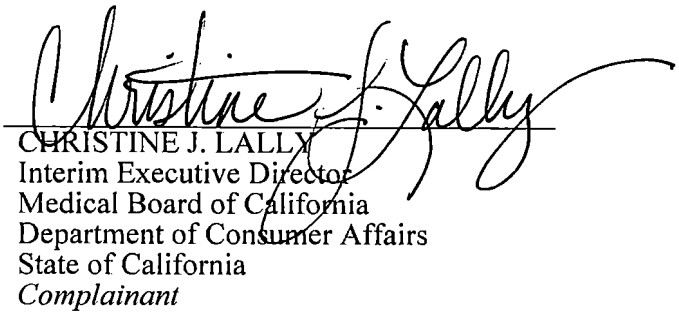
///

///

///

4. Taking such other and further action as deemed necessary and proper.

DATED: June 4, 2020



CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Certification of Documents in Response to FOIA Request

Requester: Christina Haydon/Medical Board of California

I, Phillip A. Hendges, Assistant FOIA Coordinator, Michigan Department of Licensing and Regulatory Affairs, acknowledge that a FOIA requesting certified records, dated May 4, 2020, was received by the Department on May 5, 2020. Enclosed are true copies of the only records within the Department's possession related to "Certified disciplinary documents for Linval K. Fleetwood..."which consists of 15 pages. The Department conducted a thorough search of its electronic databases and other records, and I certify that, to the best of my knowledge, information, and belief, it has no additional records responsive to the request.

Dated: May 8, 2020

Phillip A. Hendges
Assistant FOIA Coordinator
Department of Licensing and Regulatory Affairs
State of Michigan

611 W. OTTAWA • P.O. BOX 30004 • LANSING, MICHIGAN 48909
www.michigan.gov/lara • 517-335-3327

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

LINVAL KEITH FLEETWOOD, M.D.
License No. 43-01-034519,

File No. 43-17-148075

Respondent.

CONSENT ORDER AND STIPULATION

CONSENT ORDER

On June 1, 2018, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee of the Michigan Board of Medicine may enter this Consent Order. The Disciplinary Subcommittee of the Michigan Board of Medicine has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violations of MCL 333.16221(a), (b)(i), and (c)(iv). Accordingly, for these violations, IT IS ORDERED:

Respondent's license is LIMITED for a minimum period of one year commencing on the effective date of this order. Reduction of the limitation period shall

occur only while Respondent is employed as a physician. The details of the limitation are as follows:

A. **SUPERVISION.** Respondent's practice shall be only under the general supervision of one or more licensed or registered health professionals approved in advance by the Chairperson of the Board or the Chairperson's designee. When requesting approval of a proposed supervisor, Respondent shall provide a copy of the proposed supervisor's curriculum vitae to the Department. Respondent shall provide a copy of this order and the complaint dated June 1, 2018, to the proposed supervisor before requesting approval. Respondent shall not work in any capacity for which a medical license is required until Respondent receives written confirmation from the Department that the proposed supervisor was approved.

   "General supervision" means the oversight or participation in Respondent's work by a Board-approved supervisor, with continuous availability of direct communication between Respondent and the supervisor in person or by radio, telephone, facsimile, electronic mail, or other communication device.

   Respondent shall meet in person with his Board-approved supervisor once per quarter for the Respondent's period of limitation.

   During the in-person meetings, the Board-approved supervisor and Respondent shall discuss opioid and chronic disease management with patients and documentation, shall review 15 patient records generated by Respondent and selected at random by the Board-approved supervisor, and shall further assess Respondent in the performance of his duties as a physician.

B. **SUPERVISION CHANGE.** Respondent shall report to the Department, in writing, all changes in Respondent's employment as a physician or supervision of his practice within 15 days of such change.

Respondent shall provide copies of this order and the complaint dated June 1, 2018, to each successor employer and supervisor. The successor supervisor shall be knowledgeable of Respondent's history and shall continue to file reports with the Department advising of Respondent's work performance, as set forth above.

If Respondent's employment change requires Respondent to have a license to practice medicine, Respondent shall, prior to the change in employment, submit to the Department written correspondence requesting approval of the proposed successor supervisor.

Respondent shall not commence employment in a capacity for which a medical license is required until Respondent has received written notification from the Department confirming that the proposed supervisor has been approved.

Reclassification of Respondent's license shall be automatic and commence upon the expiration of the aforementioned limitation period, provided Respondent successfully completes and submits satisfactory written evidence of completing the conditions of probation as described below.

Respondent is placed on PROBATION for a minimum period of one year commencing on the effective date of this order and will run concurrently with the period of limitation. Reduction of the period of probation shall occur only while Respondent is employed as a physician. Respondent shall be automatically discharged from probation upon reclassification of his license to a full and unencumbered status. The terms and conditions of the probation are as follows:

A. **SUPERVISOR REPORTS.** Respondent's supervisor shall file reports with the Department, as further provided below, advising of Respondent's work performance and of the frequency and content of their in-person meetings. If, at any time, Respondent fails to comply with minimal standards of acceptable and prevailing practice, or appears unable to practice with reasonable skill and safety, his supervisor shall immediately notify the Department.

B. **COMPLIANCE WITH THE PUBLIC HEALTH CODE.** Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.

C. **CONTINUING EDUCATION CREDITS.** Respondent shall successfully complete and submit satisfactory evidence of completing 3 hours of continuing medical education credits in opioid management; 10 hours of continuing medical education credits in chronic disease management; and 2 hours of continuing medical education credits tin documentation.

Respondent shall seek and obtain pre-approval of the CE from the Board Chairperson, or their designee.

This CE **shall not** apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall send requests for pre-approval and proof of the successful completion to the Department at **BPL-Monitoring@michigan.gov** or by mail to **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**

D. **REPORTING PROCEDURE.** Unless otherwise provided above, all reports required by the terms of probation shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports every three months until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Respondent's progress. By accepting the terms of this consent order and stipulation, Respondent has authorized the release of all necessary records and information.

E. **COSTS.** Respondent is solely responsible for payment of all costs incurred in complying with the terms of this Order.

F. **TIMELY FILING OF REPORTS.** It is Respondent's responsibility to ensure timely filing of all reports and other documents required by this Order. Failure to file a report or other document within the time limitations provided is a violation of this Order.

G. **ADDRESS FOR COMMUNICATION.** Except as otherwise provided in this Order, Respondent shall direct any communications to the Department that are required by the terms of this order to: **BPL-Monitoring@michigan.gov** or by mail to **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**.

IT IS ORDERED that for the cited violations of the Public Health Code, Respondent is FINED two-thousand, five-hundred dollars ($2,500) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 43-17-148075 clearly indicated on the check or money order) and shall be payable within 90 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

IT IS FURTHER ORDERED that if Respondent violates any provision of this Order, or fails to complete the terms of probation within one (1) year, the DSC may take disciplinary action pursuant to Mich Admin Code, R 338.1632 and MCL 333.16221(h).

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

MICHIGAN BOARD OF MEDICINE

By: _____
Chairperson, Disciplinary Subcommittee

Dated: 5-15-19

STIPULATION

The Department of Licensing and Regulatory Affairs and Respondent Linval K. Fleetwood., M.D. stipulate as follows:

1. The facts alleged in the Complaint are true and constitute violations of MCL 333.16221(a), b(l), and (c)(iv).

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, and this action will be reported to the National Practitioner Data Bank and other entity as required by state or federal law.

4. Mohammed Arsiwala, MD, served as conferee and supports this resolution. Dr. Arsiwala and the Department took the following factors into consideration in the formulation of this Order are:

a. Respondent has been licensed to practice medicine in Michigan since 1974 and has not been disciplined previously by the Board.

b. Respondent took steps prior to the Compliance Conference to reduce the number of opioids he prescribes.

c. Respondent has scaled back his practice and no longer treats as many patients as he was previously treating. A review of MAPS confirms that the number of controlled substance prescriptions issued by Respondent has dropped.

d. Respondent stated that the majority of his patients are in long-term care facilities and hospice.

5. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in this matter.

6. This proposal is conditioned upon acceptance by the Disciplinary Subcommittee. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:

Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Dated: 04/09/19

AGREED TO BY:

Linval K. Fleetwood, M.D.
Respondent

Dated: 3/18/2019

AGREED TO BY:

Megan R. Mulder (P77597)
Attorney for Respondent

Dated: 4/2/2019

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

LINVAL KEITH FLEETWOOD, M.D.
License No. 43-01-034519,

File No. 43-17-148075

Respondent.

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs by Cheryl Wykoff Pezon, Acting Director, Bureau of Professional Licensing, complains against Respondent Linval K. Fleetwood, M.D. as follows:

1. The Michigan Board of Medicine is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee (DSC) is empowered to discipline licensees for Code violations.

2. Respondent holds a Michigan license to practice medicine and practices from and skilled nursing homes in eastern Michigan.

3. Carisoprodol (Soma) is a muscle relaxant and a schedule 4 controlled substance. Carisoprodol has significant potential for abuse, dependence, overdose, and withdrawal, particularly when used in conjunction with opioids and benzodiazepines.

4. Hydrocodone, and combination products including hydrocodone, are commonly abused and diverted schedule 2 controlled substances.

5. Oxycodone and oxymorphone are commonly abused and diverted opioid schedule 2 controlled substances.

6. Alprazolam is a benzodiazepine schedule 4 controlled substance. Concurrent use of opioids and benzodiazepines carries a substantial overdose risk, and many authorities, including the federal Centers for Disease Control and Prevention, discourage their co-prescription.

7. Codeine preparations (e.g., codeine/promethazine syrup) are schedule 5 controlled substances prescribed for treating cough and related upper respiratory symptoms. Codeine/promethazine syrup is rarely indicated for any other health condition and is particularly ill-suited for long-term treatment of chronic pain. Codeine/promethazine syrup is a highly sought-after drug of abuse, and is known by the street names "lean," "purple drank," and "sizzurp."

8. When used in combination, opioids, muscle relaxants, and benzodiazepines can produce a feeling of euphoria. These combinations are highly desired for diversion and abuse and have the street name "Holy Trinity."

9. MCL 333.7333(1) provides that good faith prescribing occurs in the regular course of professional treatment to or for an individual who is under the treatment by the practitioner for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided in Article 7.

10. The Department reviewed data from the Michigan Automated Prescription System (MAPS), the State of Michigan's prescription monitoring program,

which gathers data regarding controlled substances dispensed in Michigan. MAPS data revealed that Respondent ranked among Michigan's highest-volume prescribers of commonly abused and diverted controlled substances in 2017 and the first quarter of 2018:

	2017 Q1	2017 Q2	2017 Q3	2017 Q4	2018 Q1
(a) Carisoprodol 350 mg	19	15	9	11	9
(b) Codeine/promethazine syrup		51	44		

Investigative Interview

11. On or about February 2, 2018, Respondent was interviewed by a Department investigator about overprescribing controlled substances and other risky practices.

12. Respondent stated that it was his past practice to pre-sign blank prescriptions and office staff would complete them.

13. Respondent stated that he is not familiar with the CDC guidelines, nor is he familiar with the Michigan Guidelines on Prescribing of Controlled Substances.

14. Respondent stated he does not routinely access MAPS for established patients He was also unaware that 40% of his patients did not reside in the local geographic area to the office.

15. Respondent stated he was unaware that the manufacturer of Carisoprodol recommends that it only be used for 2-3 weeks as a muscle relaxant.

Expert Overview of Respondent's Practice

16. An expert reviewed the individual medical files Respondent produced for patients and discovered the following deficiencies consistently across files:

(a) Respondent frequently prescribed alprazolam over long periods of time without any explanation as to why it was needed.

(b) Respondent prescribed Soma with opioids (Norco and Oxycodone), contrary to current guidelines.

(c) Respondent frequently prescribed opioids with benzodiazepines, contrary to CDC guidelines, putting his patients at greater risk of overdose and death. Respondent also failed to document that he discussed the side-effects and risks associated with using these medications.

(d) Respondent failed to respond when patients presented evidence they were abusing or diverting their medications, including urine drug screens that showed no trace of the controlled substances they were prescribed and positive screens for illegal substances.

(e) Respondent prescribed promethazine with codeine for long term use, contrary to the manufacture's guidelines.

(f) Respondent failed to consult MAPS on patients receiving controlled substances, nor did he utilize pain contracts, contrary to current guidelines.

(g) Respondent failed to document that he considered the effectiveness of current therapies or any alternatives.

17. The expert found deficiencies in patient care in individual patient files. Examples include, but are not limited to, instances where Respondent:

(h) Failed to address Patient DB's[1] chronic obstructive pulmonary disease appropriately, including not making a referral to a pulmonologist that may have identified her cancer earlier.

---

[1] Initials are used to protect patient confidentiality.

(i) Failed to document treatment for diabetes mellitus in Patient KS, despite having this diagnosis over a period of two (2) years.

(j) Failed to adequately treat the anxiety of Patient AW, except to prescribe opioids and Xanax for a period of three (3) years, without discussing their effectiveness or alternatives.

COUNT I

Respondent's conduct constitutes a violation of a general duty, consisting of negligence or failure to exercise due care, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct fails to conform to minimal standards of acceptable, prevailing practice for the health profession in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conduct, as set forth above, constitutes selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of MCL 333.16221(c)(iv).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer it in writing and to show compliance with all lawful requirements for retention of the license. Respondent shall submit the written answer to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this complaint. If Respondent fails to answer, the Department shall transmit this complaint directly to the Board's Disciplinary Subcommittee to impose a sanction pursuant to MCL 333.16231(9).

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 6/1/18

By: Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing